

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TCF INVENTORY FINANCE, INC.,

Plaintiff,

v.

SEATTLE HOME APPLIANCE, LLC,  
THOMAS HENRY BEARDSLEE and  
SHELLY MAE GILLOTT BEARDSLEE,

Defendants.

No. 2:17-cv-124-RAJ

~~[PROPOSED]~~ ORDER TO APPEAR  
AND SHOW CAUSE WHY PLAINTIFF  
SHOULD NOT BE GRANTED  
IMMEDIATE POSSESSION OF  
COLLATERAL

To: Seattle Home Appliance, LLC  
c/o Registered Agent: Tom Beardslee  
5049 S. Tacoma Way  
Tacoma, Washington 98409

THIS MATTER came before the Court on Plaintiff's Ex Parte Motion for Order to Appear and Show Cause Why Plaintiff Should Not Be Granted Immediate Possession of Collateral (the "Motion"). Dkt. # 3. The Court **GRANTS** this motion.

The Court reviewed the pleadings filed herein, including the Motion, the Complaint for Breach of Contract, Breach of Guaranty and Replevin (the "Complaint"), and the Declaration of Kristi Tarlin in support of Plaintiff's Motion for Order Granting Plaintiff Immediate Possession of Collateral (the "Tarlin Declaration").

Having been fully advised, the Court finds and concludes that Plaintiff alleged in the Complaint a claim against defendant Seattle Home Appliances, LLC for replevin under Chapter

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PLAINTIFF SHOULD NOT BE GRANTED IMMEDIATE  
POSSESSION OF COLLATERAL - 1  
Case No. 2:17-cv-124

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7.64 RCW, Plaintiff is entitled under RCW 7.64.010 to claim and obtain immediate delivery of the Subject Collateral after a hearing, Plaintiff is entitled under RCW 7.64.020 to apply to this Court for an order directing Seattle Home Appliances, LLC to appear and show cause why an order putting Plaintiff in immediate possession of the Subject Collateral should not be issued, and the Tarlin Declaration satisfies the requirements of RCW 7.64.020(2). Now, therefore,

**IT IS HEREBY ORDERED** that:

A hearing will be held on Plaintiff's Motion for Order Granting Immediate Possession of Collateral on **Friday, February 24, 2017 at 10:00 a.m.** before the Honorable Richard A. Jones in the United States District Court for the Western District of Washington, 700 Stewart Street, Courtroom 13A, Seattle, Washington 98101. Seattle Home Appliance, LLC must appear at the hearing and show cause why this Court should not enter an order granting Plaintiff immediate possession of the Subject Collateral as described in the Complaint, Motion and Tarlin Declaration.

UPON THE FAILURE OF DEFENDANTS TO APPEAR and show cause on the date and time specified by this Order, the Court will grant the relief requested by Plaintiff in its Motion for Order Granting Plaintiff Immediate Possession of Collateral. If an order awarding possession to Plaintiff pursuant to RCW 7.64.035(1) is issued, failure to turn over possession of the Subject Collateral to the United States Marshal may subject Seattle Home Appliances, LLC to being held in contempt of court.

Plaintiff must serve a certified copy of this Order along with Plaintiff's underlying brief and declaration on Defendants **no later than five (5) days before the hearing.** RCW 7.64.020(4).

DATED this 10th day of February, 2017.

  
The Honorable Richard A. Jones  
United States District Judge